

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

OMAR MENDEZ-GARCIA,

Petitioner,

v.

B. M. TRATE,

Respondent.

Case No. 1:23-cv-0617 JLT CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
PETITION FOR WRIT OF HABEAS
CORPUS AS MOOT, AND DIRECTING THE
CLERK OF COURT TO CLOSE THIS CASE

(Doc. 8)

Omar Mendez-Garcia proceeded with a writ of habeas corpus pursuant to 28 U.S.C. § 2241, asserting that the U.S. Bureau of Prisons improperly denied him earned time credits under the First Step Act. (Doc. 1.) The magistrate judge performed a preliminary review and ordered Petitioner to show cause why the petition should not be dismissed, because the BOP's publicly accessible records reflect Petitioner was released from custody. (Doc. 6.) The U.S. Postal Service returned the Court's mail as "Undeliverable, No Longer at Facility."

The magistrate judge found that "[b]ecause Petitioner has been released from custody, the Court is unable to grant him the relief he seeks -- specifically, the award of ETCs that would permit Petitioner to seek early release." (Doc. 8 at 3.) Therefore, the magistrate judge found the petition is moot and recommended the Court dismiss the petition. (*Id.*, citing *Munoz v. Rowland*, 104 F.3d 1096, 1098 (9th Cir. 1997).) The Court served the Findings and Recommendations on Petitioner and notified him that any objections were due within 14 days. (*Id.*) The Court advised

Petitioner that “failure [] to file any objections within the specified time may result in the waiver of certain rights on appeal.” *Id.* at 3 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)). Petitioner did not file objections, and the time to do so has passed.¹

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of the case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on July 25, 2025 (Doc. 8) are **ADOPTED** in full.
2. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED** without prejudice as moot.
3. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

Dated: **August 14, 2025**


UNITED STATES DISTRICT JUDGE

¹ To date, the U.S. Postal Service has not returned the Findings and Recommendations. Regardless, the Court’s service is deemed fully effective pursuant to Local Rule 182(f).